

### **REMARKS/ARGUMENTS**

Prior to entry of the present Amendment, Claims 1-16 are pending. In the present Amendment, new claims 17-22 are added, claims 2-4, 6-7, 9, 11-13 and 15 are amended, and claims 1 and 14 are cancelled without prejudice.

#### **Examiner's Interview**

Applicants appreciate the Examiner's time and consideration during the Interview held on October 16, 2008. During the Interview, Applicants' representative and Examiner Graham discussed proposed new claim 17, proposed amended claim 14 and claims 3 and 11 and the cited prior art (German Patent Document No. DE 37 09 810 (Egner-Walter); U.S. Patent No. 6,305,066 (De Paoli); and European Patent Document No. EP 0 158 991 (Barret). The Examiner agreed that the proposed claim language overcomes the rejections under 35 U.S.C. §112, second paragraph. While Applicants' representative and the Examiner considered claim limitations which may overcome the cited prior art, as discussed in the Examiner's Interview Summary and below in more detail, agreement was not reached on the claims.

#### **Allowable Claims**

Applicants gratefully acknowledge the Examiner's indication that claims 6-7, 9 and 16 include allowable subject matter and would be allowable if rewritten to overcome the rejections under 35 U.S.C. §112, second paragraph, and in independent form.

Original allowable dependent claim 6 has been rewritten to overcome the rejections under 35 U.S.C. §112, second paragraph, and in independent form. Accordingly, newly-independent claim 6 is allowable.

Original allowable dependent claim 7 has been rewritten to overcome the rejections under 35 U.S.C. §112, second paragraph, and in independent form. Accordingly, newly-independent claim 7 is allowable.

Original allowable dependent claim 9 has been rewritten to overcome the rejections under 35 U.S.C. §112, second paragraph, and in independent form. Accordingly, newly-independent claim 9 is allowable. Dependent claim 16 depends from newly-independent claim 9 and is allowable for at least the same and other independent reasons.

### **Rejected Claims**

The Examiner rejected claims 1-13 and 15-16 under 35 U.S.C. §112, second paragraph, as being indefinite. As mentioned above, the Examiner agreed that the proposed claim language in independent claims 6, 7 and 9 and in proposed amended claim 17 overcomes the rejections under 35 U.S.C. §112, second paragraph. Accordingly, reconsideration of the rejections under 35 U.S.C. §112 is respectfully requested.

The Examiner rejected claims 1-5, 8 and 10-15 under 35 U.S.C. §103 as being unpatentable over Egner-Walter in view of De Paoli and Barret. Reconsideration of the rejections is respectfully requested.

### **New Independent Claim 17**

New independent claim 17 defines a wiper lever (10) with a driven wiper arm (12) and a wiper blade (14) for cleaning windows, which is provided with a band-like, elongated elastic supporting element (22) which is curved in the longitudinal direction over its band surfaces (26, 28) and on the concave curved band surface (26) of which there is a rubber-elastic wiper strip (30) engageable with a surface of a window to be cleaned, the wiper strip (30) having a width transverse to the longitudinal direction and generally parallel to the surface of the window, and on the convex curved band surface (28) of which a coupling element (20) for connecting the wiper blade (14) to the driven wiper arm (12) in an articulated manner is arranged, wherein the coupling element (20) is provided with an adapter (40), and wherein the coupling element (20) and its adapter (40) are covered by a cap (100) which has a passage (104) for the wiper arm (12), characterized in that the adapter (40) has means for securing the wiper blade (14) to the wiper arm (12), which securing means are moveable from a locking position into a release position in an actuation direction generally parallel to the width of the wiper strip (30), and the design of the cap (100) permits the actuation of the securing means.

As discussed during the Interview, the cited prior art, alone or in combination, does not teach or suggest, among other things, a wiper lever including an adapter having means for securing the wiper blade to the wiper arm, which securing means are moveable from a locking position into a release position in an actuation direction generally parallel to the width of the wiper strip, and a cap, the design of which permits the actuation of the securing means. Specifically, the cited prior art discloses securing means which are movable in an actuation direction generally perpendicular to the width of the wiper strip (see, e.g., Egner-Walter, Fig. 1, and Barret, Figs. 3a-3d) and does not teach or suggest a cap which permits actuation of at least such securing means.

For at least these independent reasons, the cited prior art, alone or in combination, does not teach or suggest the subject matter defined by new independent claim 17. Accordingly, claim 17 is allowable.

Dependent claims 2, 4-5, 8, 10-13 and 18-19 depend from independent claim 17 and are allowable for at least the same and other independent reasons. In addition, the additional subject matter defined by the dependent claims, such as, for example, dependent claims 4-5, 10-11, provide separate, independent bases for allowance.

Dependent claim 4 specifies that the cap (100) is embodied to be trough-like with a trough edge (102) facing the supporting element (22), that the cap is provided with a penetration opening (104) for the wiper arm and that the adapter (40) is equipped with the handle (80) projecting towards a longitudinal trough wall (106) of the cap. The cited prior art does not teach or suggest, among other things, a handle projecting towards a wall of a cap (see, e.g., Egner-Walter, Fig. 1, and Barret, Figs. 3a-3d) and, therefore, does not teach or suggest the additional subject matter defined by dependent claim 4.

Dependent claim 5 specifies that the trough wall (106) of the cap (100) that is adjacent to the handle (80) is provided with a recess (112) allocated to this handle. The cited prior art does not teach or suggest, among other things, that the wall of the cap is provided with a recess for a handle (see, e.g., Egner-Walter, Fig. 1) and, therefore, does not teach or suggest the additional subject matter defined by dependent claim 5.

Dependent claim 8 specifies that the trough wall (131) of the cap (130) manufactured of an elastic plastic that is adjacent to the handle (80) features an elastically yielding area (133) that is allocated to the handle. The cited prior art does not teach or suggest, among other things, a cap having an elastically yielding area for a handle (see, e.g., Egner-Walter, Fig. 1) and, therefore, does not teach or suggest the additional subject matter defined by dependent claim 8.

Dependent claim 10 specifies that the elastically yielding area (133) of the trough wall (131) is provided with a support (136) on its inner side that extends towards the handle (80). The cited prior art does not teach or suggest, among other things, a cap having an elastically yielding area provided with a support extending toward a handle (see, e.g., Egner-Walter, Fig. 1) and, therefore, does not teach or suggest the additional subject matter defined by dependent claim 10.

Dependent claim 11 specifies that the securing means feature two handles (80) arranged at a distance from one another in their deflected direction, wherein the securing of the connection between the wiper arm (12) and the wiper blade (14) is detached in the deflected position of the handles (80) when they approach one another. The cited prior art does not teach or suggest, among other things, two handles or the connection between the wiper arm and the wiper blade being detached when the handles approach each other (see, e.g., Egner-Walter, Fig. 1, and Barret, Figs. 3a-3d) and, therefore, does not teach or suggest the additional subject matter defined by dependent claim 11.

#### **New Independent Claim 20**

New independent claim 20 defines a wiper blade for cleaning windows with a band-like, elongated, elastic supporting element (22) that is curved in the longitudinal direction over its band surfaces (26, 28), on whose concave curved band surface (26) a rubber elastic wiper strip (30) is situated and on whose convex curved band surface (28) a coupling element (20) is arranged to connect the wiper blade (14) to a driven wiper arm (12) in an articulated manner, wherein the coupling element (20) is provided with an adapter (40), which features means to secure the wiper blade on the wiper arm, which can be moved from a locked position into an unlocked position in an actuation direction, wherein the coupling element (20) and its adapter (40) are covered by a cap (100) featuring a passage (104) for the wiper arm (12), the cap (100) permitting the actuation of the securing means, wherein the securing means includes a first

projection and a second projection formed on one of the adapter (40) and the wiper arm (12) and a first recess and a second recess formed on the other of the adapter (40) and the wiper arm (12), the first projection and the second projection being respectively engageable in the first recess and the second recess in the locking position to secure the wiper blade (14) to the wiper arm (12), the cap (100) permitting actuation of the securing means to from the locking position to the release position, in which the first projection and the second projection are disengaged from the first recess and the second recess to such that the wiper blade (14) can be unsecured from the wiper arm (12), wherein the securing means includes a first handle (80) operable to move the first projection and a second handle (80) operable to move the second projection, the first handle (80) and the second handle (80) extending generally parallel to the actuation direction.

As discussed during the Interview, Applicants respectfully submit that the cited prior art, alone or in combination, does not teach or suggest, among other things, a first handle and a second handle or such handles extending generally parallel to an actuation direction. Specifically, at most, the cited prior art discloses a single handle (see, e.g., Egner-Walter, Fig. 1, and Barret, Figs. 3a-3d). The cited prior art also does not teach or suggest a first projection and a second projection being respectively engageable in a first recess and a second recess in the locking position to secure the wiper blade to the wiper arm, and a first handle operable to move a first projection and a second handle operable to move a second projection. In addition, the cited prior art does not teach or suggest a cap permitting actuation of at least such securing means.

For at least these independent reasons, the cited prior art, alone or in combination, does not teach or suggest the subject matter defined by new independent claim 20. Accordingly, claim 20 is allowable.

Dependent claims 3, 15 and 21-22 depend from independent claim 20 and are allowable for at least the same and other independent reasons. In addition, the additional subject matter defined by the dependent claims, such as, for example, dependent claims 3, 15 and 21-22, provide separate, independent bases for allowance.

Dependent claim 3 specifies that that the adapter (40) composed of an elastic plastic has locking means that form the securing means, that can be actuated via the handle (80) and that can be deflected against a restoring force transverse to the longitudinal extension of the supporting element (22) in an at least almost parallel plane to a band width defined in a plane parallel to a

surface of a window to be cleaned, which locking means cooperate with counter locking means embodied on the coupling piece (18) of the wiper arm. Specifically, the cited prior art discloses securing means that can be deflected in a plane generally perpendicular to the band width plane (see, e.g., Egner-Walter, Fig. 1, and Barret, Figs. 3a-3d) and, therefore, does not teach or suggest the additional subject matter defined by dependent claim 3.

Dependent claim 15 specifies that the cap (100) is embodied to be trough-like with its a trough edge (102) facing the supporting element (22), that the cap is provided with a penetration opening (104) for the wiper arm and that the adapter (40) is equipped with the handle (80) projecting towards a longitudinal trough wall (106) of the cap. The cited prior art does not teach or suggest, among other things, a handle projecting towards a wall of a cap (see, e.g., Egner-Walter, Fig. 1, and Barret, Figs. 3a-3d) and, therefore, does not teach or suggest the additional subject matter defined by dependent claim 15.

Dependent claim 21 specifies that the cap (100) has a first cap wall and an opposed second cap wall, each cap wall defining a recess (112), the first handle (80) projecting into the recess (112) in the first cap wall, and the second handle (80) projecting into the recess (112) in the second cap wall such that the cap (100) permits actuation of the first handle (80) and the second handle (80). The cited prior art does not teach or suggest, among other things, that the wall of the cap is provided with a recess into which a handle projects such that the cap permits actuation of the handle (see, e.g., Egner-Walter, Fig. 1) and, therefore, does not teach or suggest the additional subject matter defined by dependent claim 21.

Dependent claim 22 specifies that the cap (100) has a first cap wall and an opposed second cap wall, each cap wall having an elastically yielding area (133) having a flexibility greater than an adjacent area of the cap wall, the first handle (80) being adjacent to the elastically yielding area (133) in the first cap wall, and the second handle (80) being adjacent to the elastically yielding area (133) in the second cap wall, each elastically yielding area (133) permitting actuation of an associated one of the first handle (80) and the second handle (80). The cited prior art does not teach or suggest, among other things, a cap having an elastically yielding area having a flexibility greater than an adjacent area of the cap wall and permitting actuation of a handle (see, e.g., Egner-Walter, Fig. 1) and, therefore, does not teach or suggest the additional subject matter defined by dependent claim 22.

**CONCLUSION**

In view of the foregoing, Applicants respectfully request entry of the present Amendment and allowance of claims 2-13 and 15-22.

The undersigned is available for telephone consultation during normal business hours at the below-identified telephone number.

Respectfully submitted,

/Edward R. Lawson Jr./

Edward R. Lawson Jr.  
Reg. No. 41,931

File No. 022862-1042-00 (formerly 081276-1042-00)  
Michael Best & Friedrich LLP  
100 East Wisconsin Avenue, Suite 3300  
Milwaukee, Wisconsin 53202-4108  
414.271.6560